

REMARKS

Claims 1-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Flanner in view of Blosse.

The examiner in the response dated 3/24/03 states that the Flanner et al patent teaches layer 4 uses as a mask layer to etch layer 6 (see Figure 5), and layer 6 uses as a mask layer to etch layers 8-14 (see Figure 6). As used in the instant invention the word hardmask is a term of art describing a layer that is used as a mask during an etch process. The examiner is directed to Figures 3-6 of the Flanner et al patent where the photoresist mask 2 is shown. As shown in Figure 4, the photoresist layer 2 is patterned and used as a mask during the etching of the layer 4. Careful observation of Figure 5 shows the presence of the photoresist layer 2 during the etching of layer 6. Clearly the photoresist layer 2 prevents the etching of the underlying layers 4 and 5 and is the masking layer during the etch process. Both the unetched regions of the layers 4 and 6 are covered and masked by the photoresist layer 2 during the etching process. The layer 6 does not act as a mask layer as incorrectly stated by the examiner. Layer 6 is merely part of a stack of layers that is etched using the photoresist layer 2 as an etch mask. Observation of Figure 6 further shows the presence of the photoresist layer during the etching of the underlying layers 8, 10, and 12. Clearly the photoresist layer 2 is still being used as the masking layer. Therefore it is the photoresist layer 2 that is used in the Flanner et al. patent as the mask and not the layers 4 and 6 as stated by the examine. Examiner of Figures 1(d) and 1(e) of the instant disclosure clearly show that layer 60 serves as the mask during the etch process and functions as a hardmask. The photoresist layer is not present during this etch process. Since this feature of the instant invention is not described or taught in either the Flanner at al. patent or the Blosse et al. patent then claims 1-13 cannot be rejected under 103(a) as being unpatentable over the Flanner et al patent in view of the Blosse et al. patent. The claims 1-13 are allowable over the cited art.

In light of the above, it is respectfully submitted that the present application is in condition for allowance, and notice to that effect is respectfully requested.

While it is believed that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

To the extent necessary, Applicants petition for an Extension of Time under 37 CFR 1.136. Please charge any fees in connection with the filing of this paper, including extension of time fees, to the deposit account of Texas Instruments Incorporated, Account No. 20-0668.

Respectfully submitted,


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